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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 State of Arizona, *ex rel.* Kristin K. Mayes,
16 Attorney General, *et al.*,

17 Plaintiffs,

18 v.

19 Michael D. Lansky, L.L.C., dba Avid
20 Telecom, *et al.*,

21 Defendants.

CASE NO.: 4:23-cv-00233-TUC-CKJ
(MAA)

**DECLARATION OF SARAH
PELTON IN SUPPORT OF THE
PLAINTIFFS' MOTION TO
COMPEL DEFENDANT MICHAEL
D. LANSKY'S RESPONSES TO
PLAINTIFFS' FIRST SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS**

22 1. I am an Assistant Attorney General in the Civil Litigation Division at the
23 Arizona Attorney General's Office, and counsel of record for Plaintiffs. I have personal
24 knowledge of the facts set forth herein. If called as a witness, I could and would
25 competently testify to the matters stated herein.

26 2. I submit this declaration in support of Plaintiffs' Motion to Compel
27 Defendant Michael D. Lansky's ("Lansky"), Further Responses to Plaintiffs' First Set of
28 Requests for Production of Documents (the "Motion").

3. On or around March 6, 2025, Plaintiffs served their First Set of Requests for
Production of Documents on Defendant Lansky (the "Requests"). Attached hereto as
Exhibit A is a true and correct copy of Plaintiffs' Requests.

1 4. Pursuant to Rule 34(b)(2) of the Federal Rules of Civil Procedure, and as
2 requested by Plaintiffs, Defendant Lansky was required to respond to Plaintiffs' Requests
3 within 30-days after being served. This would have made April 7, 2025 the deadline for
4 Defendant Lansky to respond to Plaintiffs' Requests.

5 5. However, Defendant Lansky did not respond to Plaintiffs' Requests by the
6 required April 7, 2025 deadline.

7 6. On or around April 11, 2025, defense counsel emailed Plaintiffs requesting
8 until April 30, 2025 to "fully respond" to Plaintiffs' Requests. The parties subsequently
9 stipulated to an April 30, 2025 deadline for Defendant Lansky to respond to Plaintiffs'
10 Requests. A true and correct copy of the parties' stipulation is attached hereto as **Exhibit**
11 **B**.

12 7. On or around April 30, 2025, counsel for Defendant Lansky emailed
13 Plaintiffs stating that they were "still working on the document responses" and that they
14 were "not sure we will be finished today, but [sic] am sure we will have them completed
15 by COB, Friday [May 2, 2025]." The parties subsequently stipulated to a May 2, 2025
16 deadline for Defendant Lansky to respond to Plaintiffs' Requests. A true and correct copy
17 of the parties' stipulation is attached hereto as **Exhibit C**.

18 8. On or around May 2, 2025, defense counsel email served three copies of
19 Defendant Lansky's responses to Plaintiffs' Requests via email. A true and correct copy of
20 defense counsel's May 2, 2025 email is attached hereto as **Exhibit D**. A true and correct
21 copy of Defendant Lansky's responses is attached hereto as **Exhibit E**.

22 9. On or around May 16, 2025, Plaintiffs sent a meet and confer request
23 correspondence to defense counsel. In the email, Plaintiffs requested defense counsel's
24 availability for a meet and confer regarding Defendant Lansky's insufficient responses and
25 objections to Plaintiffs' Requests. Attached hereto as **Exhibit F** is a true and correct copy
26 of Plaintiffs' May 16, 2025 email to defense counsel.

27 10. Defense counsel did not respond to Plaintiffs' May 16, 2025 meet and confer
28 request correspondence.

1 11. On or around May 27, 2025, Plaintiffs sent another email correspondence to
2 defense counsel, once again seeking their availability for a meet and confer regarding
3 Defendant Lansky's insufficient responses and objections to Plaintiffs' Requests. Attached
4 hereto as **Exhibit G** is a true and correct copy of Plaintiffs' May 27, 2025 email.

5 12. On or around May 28, 2025, defense counsel emailed Plaintiffs and stated
6 that he would "try to have a substantive response for you later today or tomorrow." A true
7 and correct copy of defense counsel's email is attached hereto as **Exhibit H**.

8 13. On or around June 19, 2025, Plaintiffs called the Court to inform it of the
9 dispute regarding Plaintiffs' First Set of Requests for Production. The Court responded by
10 email and instructed the parties to meet and confer by June 27, 2025. A true and correct
11 copy of the Court's instruction is attached hereto as **Exhibit I**.

12 14. On or around June 20, 2025, Plaintiffs emailed defense counsel to schedule
13 a meet and confer. A true and correct copy of Plaintiffs' email is attached hereto as **Exhibit**
14 **J**.

15 15. Defense counsel did not respond to Plaintiffs' counsel's June 19, 2025
16 correspondence.

17 16. On or around June 30, 2025, Plaintiffs notified the Court of defense counsel's
18 failure to even provide dates of availability to schedule a meet and confer regarding
19 Plaintiffs' disputes.

20 17. On or around July 2, 2025, Plaintiffs emailed defense counsel asking for their
21 availability to meet and confer in light of the Court's Order (Dkt. #118). The parties
22 scheduled a meet and confer for the following week. A true and correct copy of the parties'
23 correspondence is attached hereto as **Exhibit K**.

24 18. On or around July 9, 2025, the parties conducted the meet and confer. In
25 follow-up emails between the parties, defense counsel agreed to provide supplemental
26 written responses for Defendant Lansky by no later than July 15, 2025. Defense counsel
27 also agreed to inform Plaintiff's counsel by July 11, 2025 when document production could
28

1 be expected. A true and correct copy of the parties' correspondence is attached hereto as
2 **Exhibit L.**

3 19. Defense counsel failed to provide the supplemental written responses or a
4 date by which Plaintiffs could expect document production by their respective deadlines.

5 20. On or around July 21, 2025, Plaintiffs sent defense counsel an email outlining
6 deficiencies with Defendant Reeves' and Defendant Lansky's document production. A true
7 and correct copy of Plaintiffs' email is attached hereto as **Exhibit M.**

8 21. On or around August 11, 2025, Plaintiffs contacted the Court to request that
9 discovery disputes be referred to a Magistrate Judge. A true and correct copy of Plaintiffs'
10 email is attached hereto as **Exhibit N.**

11 22. On or around August 12, 2025, defense counsel replied to Court
12 correspondence regarding discovery disputes. Defense counsel stated: "Mr. Dillon states
13 there are 27 Responses by Mr. Lansky to document requests that Mr. Lansky is refusing to
14 produce documents. Mr. Dillon's statement is not a correct reading of the response. In
15 none of those cases does Mr. Lansky state that he is refusing to respond. He intends to
16 respond. The confusion apparently is the result of the fact that he inadvertently forgot to
17 include the final sentence stating that notwithstanding the objection, a response will be
18 provided." A true and correct copy of defense counsel's email is attached hereto as **Exhibit**
19 **O.**
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21 23. On or around September 15, 2025, Defendant Lansky made a document
22 production. No document index was included.

23 24. On or around October 15, 2025, Defendant Lansky made another document
24 production. No document index was included.

25 25. Defendant Lansky did not provide supplemental responses or a conforming
26 document production by the court's deadline (Dkt. #169) of November 28, 2025.

27 26. On or around December 3, 2025, Plaintiffs emailed defense counsel and
28 notified them that Defendant Lansky had not met the Court's November 28, 2025 deadline.
A true and correct copy of Plaintiffs' email is attached hereto as **Exhibit P.**

1 27. Defense counsel did not respond to Plaintiffs' December 3, 2025
2 correspondence.

3 28. On or around December 10, 2025, the parties participated in a meet and
4 confer. During the meeting, Plaintiffs raised the issue of Defendant Lansky's partial index.
5 Defense counsel indicated that a new firm – Troutman Pepper Locke – is now in charge of
6 document production and defense counsel would check with the Troutman team and
7 provide Plaintiffs with an update. A true and correct copy of an excerpt of the transcript of
8 the meet and confer is attached hereto as **Exhibit Q**.

9 29. To date, defense counsel has failed to provide Plaintiffs with an update.

10 30. On December 11, 2025, Plaintiffs emailed counsel at Troutman to inquire
11 about the status of Defendant Lansky's document production. A true and correct copy of
12 Plaintiffs' email is attached hereto as **Exhibit R**.

13 31. Plaintiffs have not received a response from Troutman.

14 32. On or around December 12, 2025, Plaintiffs emailed defense counsel and
15 again raised the issue of the overdue document indices. A true and correct copy of
16 Plaintiffs' email is attached hereto as **Exhibit S**.

17 33. Defense counsel did not respond to Plaintiffs' December 12, 2025
18 correspondence.

19 34. On or around December 17, 2025, defense counsel responded to Plaintiffs'
20 December 11, 2025 email to Troutman, stating they expected to produce the overdue
21 indices "sometime this week". A true and correct copy of defense counsel's email is
22 attached hereto as **Exhibit T**.

23 35. Defendant Lansky has still not produced the overdue document indices.

24 36. Due to the substantial delay and prejudice suffered by Plaintiffs in attempting
25 to obtain a compliant document production, Plaintiffs had no choice but to draft and file
26 the Motion.
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1 I declare under penalty of perjury that the foregoing is true and correct.

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3 Executed on January 7, 2026 at Phoenix, Arizona.

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/s/ Sarah Pelton
Sarah Pelton (AZ State Bar No. 039633)
Counsel for Plaintiff State of Arizona

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2026, I caused the foregoing
**DECLARATION OF SARAH PELTON IN SUPPORT OF THE PLAINTIFFS’
MOTION TO COMPEL DEFENDANT MICHAEL D. LANSKY’S RESPONSES
TO PLAINTIFFS’ FIRST SET OF REQUESTS FOR PRODUCTION OF
DOCUMENTS** to be filed and served electronically via the Court’s CM/ECF system
upon counsel of record.

/s/ Sarah Pelton
Assistant Attorney General
Counsel for the Plaintiff State of Arizona